

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

WAYNE H. WAHLER,

Civil No. 08-4953 (JRT/JSM)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron, dated July 31, 2009, and no objections having been filed to said Report and Recommendation.

Based upon the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. Defendant's Motion to Dismiss [Docket No. 17] is **GRANTED**.
2. Plaintiff's Complaint [Docket No. 1] is **DISMISSED WITH
PREJUDICE**.

Dated: August 24, 2009
at Minneapolis, Minnesota

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge